



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 2

290 BROADWAY

NEW YORK, NY 10007-1866

APR - 4 2017

**CERTIFIED MAIL-RETURN RECEIPT REQUESTED**

Article number: 7015 3010 0001 6837 7975

Mr. Jim Davis  
Vice President of Operations  
Espey Mfg. & Electronics Corp.  
233 Ballston Avenue  
Saratoga Springs, New York 12866

Re: **NOTICE OF VIOLATION**  
**RCRA § 3007 Information Request**  
**Espey Mfg. & Electronics Corp. Saratoga Industries - EPA ID No. NYD982541591**

Dear Mr. Davis:

The U.S. Environmental Protection Agency (EPA) is charged with the protection of human health and the environment under the Resource Conservation and Recovery Act (RCRA), 42 U.S.C. §§ 6901 et seq.

Pursuant to RCRA, as amended by the Hazardous and Solid Waste Amendments of 1984 (HSWA), the EPA promulgated rules, regulations, and standards governing the handling and management of hazardous waste as set forth in 40 C.F.R. Parts 260-272. For the purposes of this Information Request and Notice of Violation, the hazardous waste regulations governing the generation of hazardous waste were promulgated in 1980 and amended by HSWA in 1984.

The State of New York is authorized by the EPA to conduct a hazardous waste program under Section 3006 of RCRA, 42 U.S.C. § 6926 and is authorized to enforce RCRA. The EPA has retained its authority to enforce the hazardous waste rules and regulations in the State of New York.

The Notice of Violation (NOV) portion of this letter (see Enclosure I) is issued pursuant to Section 3008 of the Solid Waste Disposal Act, as amended by RCRA and HSWA, 42 U.S.C. §§ 6901, 6928. Issuance of this NOV and compliance with its terms does not preclude EPA from taking formal enforcement action against you and/or your company, including a monetary penalty, under Section 3008 of RCRA, 42 U.S.C. § 6928, or any other applicable regulation or statute.

Pursuant to the provisions of Section 3007 of RCRA, 42 U.S.C. § 6927, EPA may require parties who handle or have handled hazardous waste to provide information relating to such wastes. Pursuant to the statutory provisions cited above, EPA hereby requires that you provide the information requested in Enclosure II, using the instructions and definitions included in Enclosure

III. This information is necessary to determine the compliance status of Espey Mfg. & Electronics Corp. located at 233 Ballston Avenue in Saratoga Springs, New York.

Please provide the information requested no later than thirty (30) calendar days from receipt of this letter. Requests for additional time must be justified. Requests for additional time must be made within ten (10) calendar days of receipt of this letter. The response must be signed by a responsible official or agent of your company, using the form in Enclosure IV to this letter.

The response to the request in the Enclosure must be mailed to the following address:

Mr. Ronald Voelkel  
Environmental Scientist  
RCRA Compliance Branch  
Division of Enforcement and Compliance Assistance  
U.S. Environmental Protection Agency- Region 2  
290 Broadway, 21st Floor  
New York, NY 10007-1866

You may, if you so desire, assert a business confidentiality claim covering all or part of the information herein requested. The claim may be asserted by placing on (or attaching to) the information at the time it is submitted, a cover sheet, stamped or typed with the legend, or other suitable form of notice, such as "trade secret," "proprietary," or "company confidential". The claim should set forth the information requested in 40 Code of Federal Regulations (40 C.F.R.) Section 2.204(e)(4). Information covered by such a claim will be disclosed by EPA only to the extent permitted by, and by means of procedures set forth in, 40 C.F.R. Part 2. EPA will review the information to determine the extent of confidentiality of the information, and may, at its discretion, challenge the confidentiality claim pursuant to the procedures set forth at 40 C.F.R. Part 2. If no such claim accompanies the information when it is received by EPA, it may be made available to the public by EPA without further notice to you.

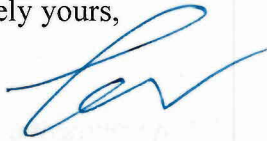
Failure to respond to this letter truthfully, accurately, and in full within the time provided may subject you to sanction authorized by federal law including, but not limited to, a potential enforcement action pursuant to Section 3008 of RCRA, 42 U.S.C. § 6928. Such enforcement action may include the assessment of a monetary penalty up to \$ 37,500 per day per violation. Please also note that all information you provide may be used in an administrative, civil judicial or criminal action.

This information request is not subject to the requirements of the Paperwork Reduction Act (PRA), as amended, 44 U.S.C. Part 3501 et seq.

For consistency, please provide your answers in a format which is keyed to the sections as outlined in Enclosure III to this letter.

If you have any questions regarding this matter, please contact Mr. Ronald Voelkel at (212) 637-1470 or [voelkel.ronald@epa.gov](mailto:voelkel.ronald@epa.gov).

Sincerely yours,



Leonard Voo, Chief  
RCRA Compliance Branch  
Division of Enforcement and Compliance Assistance

Enclosures:	Enclosure I	Notice of Violation
	Enclosure II	Information Request
	Enclosure III	Instructions & Definitions
	Enclosure IV	Certification of Answers

cc: Kelly Lewandowski, Chief  
Site Control Section  
New York State Department of Environmental Conservation  
625 Broadway, 11<sup>th</sup> Fl.  
Albany, NY 12233-7020

## ENCLOSURE I

### NOTICE OF VIOLATION

Espey Mfg. & Electronics Corp.  
EPA ID No. NYD 002 068 054

On or about January 31, 2017, a duly authorized representative of the U.S. Environmental Protection Agency ("EPA") conducted a RCRA compliance evaluation inspection ("inspection") of the Espey Mfg. & Electronics Corp. ("Espey") facility located at 233 Ballston Avenue Saratoga Springs, New York. The objective of the inspection was to determine whether or not Espey is in compliance with all regulations pertaining to the generation, management, and disposal of hazardous waste.

At the time of the inspection, Espey was found to be in violation of the following RCRA regulations:

1. Failure to make a determination as to whether or not a solid waste is a hazardous waste, in violation of 6 NYCRR § 372.2(a)(2).

At the time of the inspection, approximately 100 containers of waste chemicals, including waste paints, solvents, "corrosives", varnishes, resins and epoxies, ranging in size from about 16 oz to 5 gallon buckets, were placed on shelves in the "Paint Building" that were labeled "Expired Material Awaiting Disposal"; a 55 gallon drum labeled as "flammable" and "Expired Material Awaiting Disposal" was also located in this area. You stated that all hazardous waste determinations for these chemicals are made by the transporter at the time of being shipped off-site rather than at the point of generation by you using generator knowledge or by toxicity characteristic leaching procedure (TCLP) analyses. Also, at the time of the inspection, you did not know whether or not ground cloth waste generated during paint booth operations is or is not a hazardous waste despite disposing of this waste in a dumpster. In addition, when asked whether or not wastes generated during silk screening operations is a hazardous waste, you stated that you were "not sure".

2. Failure to label containers holding hazardous waste with the words "Hazardous Waste" and with other words identifying their contents, in violation of 6 NYCRR § 373-2.9(d)(3).
3. Failure to clearly mark on each container the date upon which each period of accumulation began, in violation of 6 NYCRR § 372.2(a)(8)(iii)(d), § 373-1.1(d)(1)(iii)(c)(2).
4. Failure to inspect, at least weekly, area where containers are stored, looking for leaking containers and for deterioration of containers and the containment system caused by corrosion and other factors in violation of 6 NYCRR § 373-3.9(e).

At the time of the inspection, not one of the approximately 100 containers of chemical wastes, and the 55-gallon drum labeled "flammable", referred to above, was labeled with the words "Hazardous Waste" or with accumulation start dates; also, it was stated by you that weekly inspections of the hazardous waste storage area in the "Paint Building" are not conducted.

5. Failure to have a device, such as a telephone, located near a hazardous waste storage area capable of summoning emergency assistance in violation of 6 NYCRR § 373-3.3(c)(2).



6. Failure to post the names and telephone numbers of the emergency coordinators next to the telephone, in violation of 6 NYCRR § 372.2(a)(8)(iii)(e)(2)(i).
7. Failure to post the location of fire extinguishers and spill control material next to the telephone, in violation of 6 NYCRR § 372.2(a)(8)(iii)(e)(2)(ii).

At the time of the inspection, a telephone or other device was not located near the "Paint Building" used to store hazardous waste. Also, listings of emergency telephone numbers or the location of fire extinguishers and spill control material were not posted near this area.

8. Failure to make arrangements where appropriate to familiarize police, fire departments and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to and roads inside the facility, and possible evacuation routes, in violation of 6 NYCRR § 373-3.3(g)(1)(i).
9. Failure to attempt to make arrangements to familiarize local hospitals with the properties of hazardous waste handled at the facility and the types of injuries or illnesses which could result from fires, explosions or releases at the facility in violation of 6 NYCRR § 373-3.3(g)(1)(iv).

At the time of the inspections, you were not able to provide evidence such as copies of correspondence that shows emergency response teams and the local hospital were contacted and that arrangements were made to familiarize them with any of your facilities operations and the properties of the hazardous waste handled by your operations.

10. Failure to maintain and operate your facility to minimize the possibility of a fire, explosion, or any unplanned sudden or non-sudden release of hazardous waste or hazardous waste constituents to air, soil or surface water which could threaten human health or the environment in violation of 6 NYCRR § 373-3.3(b):

At the time of the inspections, hazardous waste determinations were not made prior to off-site shipment allowing for the possibility that incompatible wastes were being stored together on shelves and the ground in the "Paint Building" used to store hazardous waste. This condition poses a threat of a fire or explosion, especially given the large amount of "flammable" waste and material being stored in this area.

## ENCLOSURE II

### RCRA § 3007 INFORMATION REQUEST

Espey Mfg. & Electronics Corp.

EPA ID No. NYD 002 068 054

#### QUESTION 1

In regards to the violations cited in the above Notice of Violation (Enclosure I), please submit, within thirty (30) calendar days of the receipt of this correspondence, a response which may include: (1) a rebuttal of the noted violations; or (2) a description of the actions taken to correct the violations cited in items 1 through 10 and provide documentation, including photographs (where applicable), verifying that each violation has been corrected.

#### QUESTION 2

At the time of the inspection, you stated that all hazardous waste determinations for chemical wastes observed being stored in the "Paint Building" are made by the transporter, using generator knowledge or analyses, at the time of the off-site shipment of these wastes rather than at the point of generation by you using generator knowledge or TCLP analyses. In addition, at the time of the inspection, you did not know whether or not ground cloth waste generated during paint booth operations, and silk screening wastes, are or are not hazardous waste despite disposing of the paint booth ground cloths in a dumpster. This allows for the possibility that other solid wastes are being generated that may not have been determined to be hazardous waste.

In order to verify that all solid wastes generated by Espey Mfg. & Electronics Corp. have been properly determined whether or not to be RCRA hazardous waste, please provide the following information.

- a. Please provide a detailed description of each activity conducted at the Espey Mfg. & Electronics Corp. in Saratoga Springs, New York that generated solid and/or hazardous wastes (as defined in 40 C.F.R. Part 261) during the period February 2014 to January 2017, inclusive;
- b. Please list the solid and/or hazardous wastes generated from each activity, as indicated in response to Question 2(a), above, including but not limited to all *waste and off-spec paints, spent solvents; waste paint thinners; contaminated rags; waste corrosives, waste ignitables, discarded paint booth filters and ground cloths, paint booth sludge, waste epoxies, waste resins, silk screening wastes, electroplating wastes, waste corrosives, discarded chemicals, discarded toner and printer inks, off-spec adhesives, off-spec penetrants, used oil, waste automotive fluids, discarded pesticides, waste petroleum products, spent lamps/bulbs, waste batteries, discarded cathode ray tubes (CRTs, e.g. computer monitors), etc.* indicating monthly quantities of each waste, in kilograms, generated during the period February 2014 to January 2017, inclusive.
- c. Provide all analytical results and/or documentation used in determining whether each solid waste stated in response to Question 2(b), above, is or is not a hazardous waste. If generator knowledge of the waste(s) was used to determine that the solid waste was not a hazardous waste, please provide a narrative which details the knowledge employed in making such a

determinations. If MDS data were used to make hazardous waste/non-hazardous waste determinations, note whether or not it was taken into account that the waste could have been contaminated by other sources from usage.

- d. For each hazardous and each non-hazardous waste described in response to Question 2(a) and 2(b), above, please provide copies of all documentation, including hazardous waste manifests, for the off-site shipment/disposal or treatment of such wastes during the time period February 2014 to January, 2017. If no such documentation is available, identify each entity (commercial, corporate, or municipal) that received such wastes from your facility, the specific waste that they received, the date(s) each such waste was shipped from each of your facilities, and state the reason(s) for not maintaining such shipping documents at your facility.
- e. For each waste described in response to Question 2(a) and 2(b), above, please specify how each waste was containerized, the location where each container of waste was stored on-site prior to shipment off-site, the length of time each container was stored prior to shipment off-site, and whether or not any of these containers were labeled as hazardous waste during storage.

### QUESTION 3

Please provide all documentation or correspondence from the City of Saratoga Springs that verifies whether or not any discharge of process wastewater from Espey are or were subject to permitting conditions into their system, or that you have/had special agreements with the City of Saratoga Springs that allows/allowed any discharge of process wastewater into their wastewater treatment system, for the period February 1, 2014 to January 31, 2017, inclusive.

## ENCLOSURE III

### Instructions and Definitions

In responding to this Request for Information, apply the following instructions and definitions:

1. The signatory should be an officer or agent who is authorized to respond on behalf of the company or facility.
2. A complete response must be made to each individual question in this request for information. Identify each answer with the number of the question to which it is addressed.
3. In preparing your response to each question, consult with all present and former employees and agents of the company or facility who you have reason to believe may be familiar with the matter to which the question pertains.
4. In answering each question, identify all contributing sources of information.
5. If you are unable to answer a question in a detailed and complete manner or if you are unable to provide any of the information or documents requested, indicate the reason for your inability to do so. If you have reason to believe that there is an individual who may be able to provide more detail or documentation in response to any question, state that person's name and last known address and phone number and the reasons for your belief.
6. If you cannot provide a precise answer to any question, please approximate and state the reason for your inability to be specific.
7. For each document produced in response to this Request for Information, indicate on the document or in some other reasonable manner, the number of the question to which it applies.
8. If anything is deleted from a document produced in response to this Request for Information, state the reason for and the subject matter of the deletion.
9. If a document is requested but is not available, state the reason for its unavailability. In addition, identify any such document by author, date, subject matter, number of pages, and all recipients and their addresses.
10. The company and/or facilities for the purposes of this Request for Information is Arnold Magnetic Technologies located at 770 Linden Avenue in Rochester, New York.
11. Hazardous waste shall be defined for the purposes of this Request for Information as that term is defined in Section 1004(5) of RCRA, as amended, 42 U.S.C. Part 6903(5) and in 40 C.F.R., Section 261.3.
12. Manage shall be defined for the purposes of this Request for Information as a market, generate, treat, store, dispose or otherwise handle.



13. Standards applicable to transporters of hazardous waste shall be those as established in 40 C.F.R. Part 263.
14. Hazardous constituents shall be defined as those substances listed in 40 C.F.R. Part 261, Appendix VIII.



## ENCLOSURE IV

### Certification of Answers to Responses to Request for Information

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document (response to EPA Request for Information) and all documents submitted herewith, that the submitted information is true, accurate and complete, and that all documents submitted herewith are complete and authentic, unless otherwise indicated. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

\_\_\_\_\_  
NAME (print or type)

\_\_\_\_\_  
TITLE (print or type)

\_\_\_\_\_  
SIGNATURE

\_\_\_\_\_  
DATE

